THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos.4674 & 5877 of 2007

Date 06-12-2007

W.P.No.4674 of 2007
Between:
Damaodar Reddy and others.

..... PETITIONER

AND

The Govt. of A.P., rep. By its Secretary and others.

.....RESPONDENTS

W.P.No.5877 of 2007
Between:
Yerranna (died) by L.R. Harijan Chinna Bala Kistaiah.

..... PETITIONER

AND

The Govt. of A.P., rep. By its Secretary and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION Nos.4674 & 5877 of 2007

COMMON ORDER:

Heard both the counsel.

2. These writ petitions are being disposed of in view of commonality of the questions of fact and questions of law involved in both the writ petitions.

3. Both these writ petitions are filed seeking a direction to the respondents to pay compensation to the petitioners forthwith.

4. It is averred in the affidavit filed in support of W.P.No.4674 of 2007 that the petitioners, who are the residents of Itkyal Village and Mandal, Mahaboobnagar District, lands were acquired for the purpose of Priyadarshini Jurala Project in the year 1988. The respondents issued notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') and that the third respondent after following the due procedure contemplated under the Act passed an Award No.12 of 1988 dated 10-06-1988. Alleging that meager compensation was awarded, petitioners sought reference under Section 18 of the Act to Civil Court for determination of the market value. The learned Senior Civil Judge, after elaborate enquiry, enhanced the compensation. As against the same, the State Government preferred appeals before this Court and this Court dismissed the same on 27-04-2004 and 05-11-1997. It is further averred that though the petitioners had filed E.Ps. for realization of the enhanced compensation amount except attaching the properties, the learned Judge had not proceeded for realization of the decretal amount. In the circumstances, the petitioners had approached this Court.

5. In W.P.No.5877 of 2007, the petitioner's land to an extent of Ac.5.21 guntas of Earladinna Village, Narva Mandal, Mahaboobnagar District was acquired for the purpose of Priyadarshini Jurala Project

in the year 1992. The respondents issued notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') and that the third respondent after following the due procedure contemplated under the Act passed an award on 30-03-1993. Alleging that meager compensation was awarded, petitioner sought reference under Section 18 of the Act to Civil Court for determination of the market value. The learned Senior Civil Judge, after elaborate enquiry, enhanced the compensation. It is further averred that inspite of the petitioner filing E.P. for realization of the enhanced compensation amount except attaching the properties, the learned Judge had not proceeded for realization of the decretal amount. Hence, the petitioner approached this Court seeking appropriate directions.

6. In the counter affidavit filed, it is stated that the respondents had acquired the lands of the petitioners for the purpose of Earth Work Excavation of P.J.P. Right Main Canal from K.M.36.00 to K.M. 41.00 under Priyadarshini Jural Project vide notification under Section 4(1) of the Act. After due process of law, the Land Acquisition Officer passed an award No.12 of 1988 dated 10-06-1988 awarding compensation @ Rs.8,000/- per acre for dry land and having not been satisfied with the compensation awarded, the awardees filed applications under Section 18 of the Act before the Land Acquisition Officer seeking reference to the civil Court. The learned Judge, by judgment and decree dated 20-04-1995, enhanced the compensation for the lands @ Rs.20,000/- per acre. Aggrieved thereby, the Land Acquisition Officer filed appeals before this Court and this Court dismissed the appeals confirming the order of the Court below. Further, it is stated that budget proposals were submitted to the Special Collector, Srisailam Project, Kurnool and that the Collector had submitted the same to the Government for sanction. It is further stated that since long process was involved in obtaining budget, there was delay in payment of enhanced compensation and as soon as the Government sanctions, the decretal amount would be deposited in the Court below.

7. In the light of the specific stand taken in the counter affidavit that there is long process in obtaining budget, that there was delay in payment of enhanced compensation and as soon as sanction is obtained from the Government, the decretal amount would be deposited in the Court below, these two writ petitions are disposed of directing the respondents to deposit the amounts within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the writ petitions are disposed of. No order as to costs.

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06-12-2007

usd